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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RHONDA GARRETT,	:	Hon. Jose L. Linares
	:	
Plaintiff,	:	Civil Action No. 05-1164
	:	
v.	:	<u>NOTICE OF MOTION</u>
	:	
JIM NICHOLSON, SECRETARY OF	:	
THE UNITED STATES	:	
DEPARTMENT OF VETERANS	:	
AFFAIRS,	:	
	:	
Defendant.	:	

TO: Ryan Linder, Esq.
Childress & Jackson, LLC
280 South Harrison Street
Suite 200
East Orange, New Jersey 07018

PLEASE TAKE NOTICE that on Monday, July 24th, 2006, at 10:00 AM, or as soon thereafter as counsel may be heard, the defendant, Jim Nicholson, Secretary of Veterans Affairs, through his attorney, Christopher J. Christie, United States Attorney for the District of New Jersey (Peter G. O'Malley, Assistant United States Attorney, appearing), will move before the Hon. Jose L. Linares of this Court, at Newark, New Jersey, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the remaining claims raised in the complaint and not addressed by defendant's previous

motion, for failure to state a claim on which relief can be granted, or, in the alternative, for summary judgment, pursuant to Fed. R. Civ. P. 56.

The defendant will rely on the brief; declarations (two by Patrick Troy, one by Terry Stewart, one by Sudatha Reddy, one by Peter G. O'Malley); exhibits to declarations; deposition transcript and exhibits thereto, filed herewith. This motion may be decided on the papers, without oral argument, pursuant to Fed. R. Civ. P. 78.

CHRISTOPHER J. CHRISTIE
United States Attorney

S / Peter G. O'Malley
PETER G. O'MALLEY
Assistant U.S. Attorney

Dated: June 28, 2006